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RUEHLO/AMEMBASSY LONDON PRIORITY 3796  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1040  
RUEHNY/AMEMBASSY OSLO PRIORITY 3868  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1101  
RUEHKO/AMEMBASSY TOKYO PRIORITY 2951  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000789

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 06/01/2017  
TAGS: PGOV PREL PTER PHUM MOPS CE

SUBJECT: SRI LANKA: CONSULTATIONS ON DEVOLUTION PROPOSAL  
START IN EARNEST

REF: A) COLOMBO 747 B) COLOMBO 705 C) COLOMBO 661 D)

COLOMBO 643 E) COLOMBO 629 (AND PREVIOUS)

Classified By: AMBASSADOR ROBERT O. BLAKE, JR. REASONS: 1.4 (B, D)

¶1. (C) SUMMARY: All-Party Representative Committee (APRC) chair Vitharana told Ambassador that discussions on devolution were proceeding constructively, and should be finished within two months, or by the end of July. He agreed with Ambassador's assessment that President Rajapaksa was prepared to be flexible and move in the direction of the consensus within the committee for a stronger power-sharing proposal based on the province as the unit of devolution. Vitharana said he had adopted a strategy designed to avoid getting bogged down in up-or-down votes on particular passages of text in order to maintain a collegial atmosphere.

He was confident that his own draft would remain the basis for the final product. He reported that the Committee had agreed that the consensus required for the final document had to include the two largest parties, the President's Sri Lankan Freedom Party, the main opposition United National party, as well as a plurality of the other parties represented on the Committee. Other groups' proposals could be considered, but they would not have regular representation on the Committee ) or a vote on the final outcome. Embassy believes that progress on the devolution proposal will depend on the cooperation of the UNP, which has adopted a much more confrontational posture vis-a-vis the government on all issues, and the extent to which the President himself is willing to embrace and push for a proposal that meets Tamil needs. Both of these are open to question. The debate within the APRC on the unit of devolution early in the APRC process will be an important indicator. END SUMMARY.

¶2. (C) Ambassador and Pol Chief met Science and Technology Minister Tissa Vitharana on May 30 to discuss progress toward a consensus in Parliament on a devolution proposal. Ambassador noted that various political parties and groups, including the UNP "crossover" ministers in the government (ref a) had submitted several new proposals to the All Party Representative Committee (APRC), which Vitharana chairs.

Ambassador also told Vitharana that President Rajapaksa had signaled to A/S for South and Central Asia Richard Boucher on May 10 his willingness to be flexible in negotiating with Sri Lanka's other political parties on the devolution package.

APRC CHAIR CONFIDENT ABOUT PROCESS

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¶ 13. (C) Vitharana reported that the APRC had held a meeting on May 29 to discuss the way forward on devolution now that all proposals had been received. The atmosphere, he said, was cordial, cooperative and constructive, and devoid of political posturing. 13 political parties had participated in the meeting. Only the Sinhalese chauvinist JVP continued to boycott the sessions, he added. Papers by other groups that do not have the status of parties, including the UNP "crossovers" and the Karuna group, had been distributed for discussion, but these groups had not been invited to participate as voting members of the APRC, he noted.

¶ 14. (C) Vitharana told us that the APRC had agreed on procedures for continuing the discussions. All had accepted his earlier "compromise" draft as the basis for moving forward, he assured us. This included the President's Sri Lankan Freedom Party. They had also agreed on a working definition of consensus, Vitharana added. This went somewhat beyond his concept of a "minimal consensus" of just the UNP and SLFP. "A majority of the minority" would also have to endorse the final product of his committee. In practice, he explained, this meant that at least five of the smaller parties represented on the APRC should agree to the final draft.

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¶ 15. (C) Vitharana said he hoped to continue to proceed in a non-confrontational way. He said the APRC had agreed to a collegial debate on a few basic issues posed by his text, rather than focusing on the exact working of the text itself. Vitharana would then make improvements to his text between sessions, trying to accommodate as many points of view as possible. He would seek to avoid up-or-down votes on amendments or particular test passages, he said, as this could have a negative impact on the working atmosphere and set up politically motivated confrontations.

¶ 16. (C) Vitharana believed that the product of the APRC deliberations would likely be close to his draft and borrow heavily from the concepts put forward by then-President Chandrika Kumaratunga in 2000. He conceded that the militant monk-based party JHU and perhaps one or two others would feel constrained to distance themselves from the outcome, but appeared to take that in stride. If he felt any lack of confidence in the resilience of the process and likelihood of coming to a broadly-based consensus, he did not show it.

INDIA CRITICAL OF PRESIDENT'S PROPOSAL

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¶ 17. (C) Indian High Commission Charge d'Affaires Manickam told Ambassador on May 29 that India concurred the Vitharana draft was a solid, positive contribution that could help get the peace process back on track. He was dismissive of the SLFP proposal, however, saying it was "less than what the Tamils have now." Manickam was particularly critical of the SLFP stipulation that any area could be the subject of a "national policy" which would pre-empt all regional initiatives. The critical policy areas, he concluded, were land and agriculture, water use, law and order, and education, which should be reserved for the provinces.

¶ 18. (C) Manickam explained that the Indian government was upset that the Sri Lankan Supreme Court had effectively negated the 1987 Indo-Lanka Accord by de-merging the North and East Provinces. The SLFP proposal, with the district as the unit of devolution, would also practically nullify the

13th Amendment to the Sri Lankan Constitution, a corollary of the Indo-Lanka Accord, which foresaw the province as the basic unit of devolved power. Manickam noted that the 2000 proposals of President Kumaratunga's administration were the foundation on which later peace efforts had built. He did not think that any proposal offering substantially less would be viable or attract significant Tamil support. He praised Vitharana's efforts, saying his government hoped the President would allow a consensus to develop within the APRC to offer a reasonable power-sharing formula to the Tamil population.

**¶9. (C) COMMENT:** We are encouraged by Vitharana's show of quiet competence and persistence in shepherding the devolution proposal through a series of complex and shifting obstacles. However, the APRC draft will simply be the first in a number of steps in endorsing a final proposal (reflets).

Our sense is that, for the moment at least, Vitharana has a mandate from President Rajapaksa to continue his work. Despite Vitharana's customary optimism, there remain significant challenges ahead. The first is whether the UNP will participate constructively. UNP leader Wickremesinghe has adopted a notably confrontational attitude with respect to all government initiatives and entertains hopes of bringing down the government. His willingness to give the President ) and the country ) an APRC victory is in question. The APRC will also require a more significant public embrace by the President than he has been willing to give so far, if the APRC is to produce a consensus along the lines advocated by Vitharana. Vitharana's plan to have the APRC engage early on the crucial and divisive question of the unit of devolution will be an early indicator of UNP willingness to cooperate and the President's willingness to

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engage personally. Another key factor will be the extent to which the government will pursue its military efforts to weaken the LTTE. A major offensive could prompt a significant LTTE counter-offensive that would put APRC deliberations in jeopardy. The Mission will monitor these possibilities closely and seek Washington intervention as appropriate.

BLAKE